

**IN IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>GARY BURNETTE, Plaintiff,</b>  <b>v.</b>  <b>CITY OF PHILADELPHIA, COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, and SOUTHEASTERN TRANSPORTATION AUTHORITY, Defendants.</b>	<b>CIVIL ACTION NO. 13-0288</b>
---	---------------------------------

**ORDER**

AND NOW, this 5<sup>th</sup> day of April, 2013, upon careful consideration of the parties' briefing, and for the reasons discussed in the accompanying Memorandum of Law, it is hereby ORDERED that Defendants' Motions to Dismiss (ECF 8, 10 & 11) are GRANTED, insofar as Count I of the Second Amended Complaint (ECF 7) is DISMISSED. Plaintiff's state law claims, set forth in Counts II, III and IV of the Second Amended Complaint, are remanded to the Philadelphia Court of Common Pleas. The Court of Clerk shall close this case.

BY THE COURT:

/s/ Michael M. Baylson

---

Michael M. Baylson, U.S.D.J.